



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: February 12, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Don Chagnon of Townsend Oil & Propane (applicant) and Frank Twardosky (owner)** – Review for acceptance and consideration of Final Approval of an application for a waiver of site plan review for the use of the existing 3,400 s.f. building as a retail/office/distribution facility located at 759 DW Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 7E, Lot 042-01.

Background: The applicant was previously before the board in December 2014 where the application was tabled pending further plan revisions and annotations. An updated annotated site plan has been submitted with the current application.

The subject property is located at 759 Daniel Webster Highway (Tax Map 7E, Lot 042-01) and is comprised of approximately 2.302 acres of land according to the assessing database. The subject property is located in the I-1 (Industrial) and Aquifer Conservation Districts and is serviced by MVD water and on-site septic.

The applicant is seeking a waiver of full site plan review to permit the use of the existing 3,400 s.f. building as a retail/office/distribution facility, a permitted use in the I-1 (Industrial) District. Two employees would drive to the site, park their personal vehicles, and drive the fuel trucks off the lot for distribution each day. There would also be approximately 5 on-site employees managing the retail/office portion of the business. There would be very few customers visiting the site as most of the business is conducted online and over the phone.

The applicant has annotated the previous site plan (CDD #735), titled "All in One Pet Place and Strutt and Putt Miniature Golf Course" which was signed by the Board on May 13, 1987, to add a pet store and miniature golf course. The site is currently an overgrown gravel parking area (which the applicant does not intend to pave) on the same lot as the former Tables of Stone. Please see attached aerial image for reference.

The annotated site plan submitted with the application, states that there would be seven (7) employees with the hours of operation being Monday through Friday 7am to 5pm. The applicant has further annotated the previously submitted annotated site plan by clarifying existing and proposed fencing, adding the location of a gate to the rear parking area and adding notes on landscaping, low phosphate de-icing procedures and proposed lighting. An updated driveway permit from NHDOT will need to be obtained should the applicant receive the necessary local approvals.

Completeness: Staff recommends that the Board carefully consider whether to accept the application, and determine if it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow the Board to make an informed decision. The planning staff also recommends that the Board determine if annotations to a previous plan is sufficient to justify the waiver of full site plan review. The Board will need to determine if the presented plan is satisfactory, if the applicant can make additional changes to make it satisfactory, or if a fully engineered plan is more appropriate for this use.

Waivers: The applicant is not requesting any additional waivers at this time, however, should any be requested, Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:44:

- Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Parking: Staff has determined that twelve (12) parking spaces are required because 1 space is required per 300 square feet of office space plus 1 per company vehicle. Staff calculated the office area to be approximately 2,680 square feet (excluding storage and garage space). The annotated plan shows twelve (12) spaces provided. Therefore, a parking waiver is not necessary.

Recommendation:

Based upon the information available to date **and if the Board grants the waiver of full site plan review, Staff recommends that the Board approve the site plan with the following conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified (should the Board deny the waiver of full site plan review and require a fully engineered plan, staff recommends tabling the application to allow the applicant to obtain a fully engineered site plan):**

1. Final plans to be signed by the Applicant and Property Owner;
2. Any waivers granted shall be listed with the section number and date of approval on the Final Plan;
3. Applicant shall address the following comments from the Conservation Commission:
 - a. The Commission appreciates the applicant's non-use of salt or de-icing compounds on the parking lot and would like that to be a condition of approval for the Planning Board;
 - b. The Commission recommends that only low phosphate, slow release nitrogen fertilizers be used. The Commission further recommends that the applicant first utilizes a soil testing facility to determine what levels and applications rates may be necessary before doing any application of fertilizes on the site;
 - c. The Commission recommends that only native New Hampshire plants be used in any updates to the landscaping or plantings;

4. Applicant shall address the following comments from the Fire Department:
 - a. A spill control plan (SPCC) shall be submitted to this office for review and approval before any fuel delivery vehicles are placed on site.
5. Applicant to provide a copy of an updated driveway permit from NHDOT to the Community Development Department and add a note to the plan indicating the updated permit;
6. Address planning staff technical comments. (Below)

Planning Staff Technical Comments

1. Applicant to add address to the title block of the plan;
2. Applicant to add "and Aquifer Conservation District" to zoning notes;
3. Applicant to revise parking note to include that 1 space is required per 300 s.f. of office space plus 1 per company vehicle, therefore totaling 12 required spaces and 12 provided;
4. Please add "Plan annotated by Don Chagnon, owner of Townsend Oil & Propane, LLC" with the date under the title of the plan;
5. Please either remove "House of Stone" text on plan or replace with "Townsend Oil";
6. Please number the notes;
7. Please add a note that all signage will follow town regulations and be properly permitted;
8. Please indicate where the ground sign and grass island along DW Highway is located.

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. Applicant shall address the following comments from the Fire Department:
 - a. The building on this property shall comply with all current NFPA codes for an office use. This includes emergency lighting and fire extinguisher placement.

Ec: Don Chagnon, Applicant
Frank Twardosky, Owner
George Keller, Land Surveyor
Carol Miner and Fred Kelly, Building Department
Kyle Fox, Deputy Director of Public Works/Town Engineer
John Manuele, Captain, Merrimack Fire Department
Tim Tenhave, Chairman, Conservation Commission

Cc: Planning Board File
Correspondence